

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

_____)	
In the Matter of)	Docket Nos.
)	50-247-LR
Entergy Nuclear Operations, Inc.)	and 50-286-LR
(Indian Point Nuclear Generating)	
Units 2 and 3))	July 13, 2012
_____)	

**Declaration of Phillip Musegaas in Support of Intervenors' Rebuttal to Entergy's
Initial Hearing Submissions Pertaining to Consolidated Contention RK-EC-3/CW-EC-1**

Phillip Musegaas hereby declares under penalty of perjury that the following is true and correct:

1. I am currently employed by Riverkeeper, Inc., and hold the position of Hudson River Program Director.

2. I am co-counsel for petitioner-intervenor Riverkeeper in the above-referenced proceeding concerning the application by Entergy Nuclear Operations, Inc. ("Entergy") for a renewal of the two separate operating licenses for the nuclear power generating facilities located at Indian Point on the east bank of the Hudson River in the Village of Buchanan, Westchester County, New York, for twenty years beyond their current expiration dates.

3. I submit this declaration in support of Riverkeeper and Hudson River Sloop Clearwater, Inc.'s Consolidated Contention RK-EC-3/CW-EC-1 concerning the inadequate environmental review of spent fuel pool leaks and radiological contamination at Indian Point.

4. I began my employment with Riverkeeper in August, 2005.

5. From August 2005 - October 2006, I was a Policy Analyst for Riverkeeper.

6. From October 2006 – September 2008, I was a Staff Attorney for Riverkeeper, assigned to work on Riverkeeper's Indian Point Campaign, which included preparing to participate in the Indian Point license renewal process before the Nuclear Regulatory Commission.

7. From September 2008 to the present, I have held the position of Hudson River Program Director.

8. In the course of my employment at Riverkeeper, in the spring of 2007, I was personally and directly involved in a project concerning a proposed study of the impact of radiological leaks from Indian Point on the Hudson River ecosystem.

9. In particular, at that time, I contacted Dr. Chris Gobler, an Associate Professor at Stony Brook University, to discuss a possible study of Hudson River sediments, fish and shellfish in the vicinity of the Indian Point nuclear power plant, to determine whether the aforementioned biota or sediment contained elevated levels of radionuclides. Riverkeeper's interest in having this study conducted arose following the disclosure by Entergy of leaks of radioactively contaminated water from Indian Point's spent fuel pools in 2005. At the time, I was responsible for Riverkeeper's efforts to commission this study.

10. On August 17, 2007, Dr. Gobler submitted a study proposal to Riverkeeper, which Entergy has offered in this proceeding as Exhibit ENT000367.

11. Riverkeeper accepted the proposal, and Dr. Gobler began collecting samples in October 2007. Some limited collection of clam and sediment samples was performed using Riverkeeper's boat, under the supervision of John Lipscomb, Riverkeeper's boat captain and manager of the Boat Program. Dr. Gobler also collected samples independently, without Riverkeeper's assistance.

12. On July 10, 2008, Dr. Gobler sent an e-mail to me and other Riverkeeper staff, describing the initial results of his analysis of samples collected during the previous year. A copy of this email was submitted into this proceeding by Entergy as Entergy Exhibit ENT000368.

13. As described in the email from Dr. Gobler, none of the shellfish samples he collected and analyzed had detectable levels of the radionuclides being tested for. In the same email message, Dr. Gobler expressed interest in conducting further sample collection and continuing the study.

14. As of July 2008, samples of aquatic biota and sediments in the Hudson River had only been collected during the fall of 2007, in one sampling season.

15. Due to staffing and resource constraints, Riverkeeper did not ask Dr. Gobler to collect additional samples of aquatic biota or Hudson River sediments subsequent to the initial 2007 sample collection effort.

16. Dr. Gobler was also not asked by Riverkeeper to prepare a final report summarizing his initial study, due to Riverkeeper's limited resources.

17. In my capacity as the Riverkeeper employee responsible for this work, and based on my discussions with Dr. Gobler, I did not consider the sample collection and analysis done by Dr. Gobler to be a complete study. For that reason, the initial results of the study, documented in Dr. Gobler's July 10, 2008 email, ENT000368, were not cited or referenced in Riverkeeper's pre-filed direct testimony on Contention RK-EC-3/CW-EC-1.

18. Based on the incomplete nature of the work conducted by Dr. Gobler, it is my understanding that generic conclusions were not, nor could be, made based upon the sampling results obtained.

19. I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 13, 2012.

Signed (electronically) by Phillip Musegaas
Phillip Musegaas, Esq.